

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

FEIN, SUCH, KAHN & SHEPARD PC

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Attorneys for Movant

SELECT PORTFOLIO SERVICING, INC.,
as servicer for U.S. BANK
NATIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK OF
AMERICA, NATIONAL ASSOCIATION AS
TRUSTEE SUCCESSOR BY MERGER TO
LASALLE BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR
WASHINGTON MUTUAL ASSET-BACKED
CERTIFICATES WMABS SERIES 2006-
HE4 TRUST

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Order Filed on May 30, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

MARIA VILMAR BATISTA aka
MARIA D'ARRIGO

Debtor(s).

Case No.: 16-12529 RG

Chapter: 13

Hearing Date: May 3, 2017

Judge: HONORABLE ROSEMARY
GAMBARDELLA

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following pages, numbered two (2)
through four (4) is hereby ORDERED.

DATED: May 30, 2017

A handwritten signature in cursive script that reads "Rosemary Gambardella".
Honorable Rosemary Gambardella
United States Bankruptcy Judge

Applicant: SELECT PORTFOLIO SERVICING, INC.,
as servicer for U.S. BANK
NATIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK OF
AMERICA, NATIONAL ASSOCIATION AS
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HE4 TRUST

Applicant's Counsel: Fein, Such, Kahn & Shepard, P.C.

Debtor's Counsel: MICHAEL G. BOYD, ESQ.

Property Involved (Collateral") 451 LAWTON AVENUE
CLIFFSIDE PARK, NJ 07010

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent
imposition of automatic stay against the
collateral by debtor's future bankruptcy
filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is
(are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 7 months, from October, 2016
to April, 2017.

☒ The Debtor is overdue for 6 payments at \$2,437.45 for
October, 2016 to March, 2017 and 1 payment at \$2,580.73 for
April, 2017 with \$70.41 in suspense.

☐ The Debtor is assessed for N/A late charges at \$N/A per
month.

☒ Applicant acknowledges receipt of funds in the amount of
\$N/A received after the motion was filed.

Total Arrearages Due \$17,135.02.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of
\$2,437.00. Payment shall be made no later than May 12, 2017.

☒ Beginning on May 1, 2017, regular monthly mortgage payments shall continue to be made in the amount of \$2,580.73.

☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.

☒ The amount of \$14,698.02 shall be capitalized in the debtor's Chapter 13 plan. The Debtor must file a modified plan to account for amount due to Secured Creditor and budget within 7 days or the case will be dismissed.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: SELECT PORTFOLIO SERVICING, INC.
c/o Fein, Such, Kahn & Shepard P.C.
7 Century Drive
Suite 201
Parsippany, NJ 07054

☒ Regular monthly payment: SELECT PORTFOLIO SERVICING, INC.
PO BOX 65450
SALT LAKE CITY, UT 84165

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$N/A, and costs of \$N/A.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within N/A days.

☒ Attorneys' fees are not awarded.